

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DOMENICA LEWIS, *et al.*,

Plaintiffs,

No. C 16-03581 WHA

v.

SILVERTREE MOHAVE HOMEOWNERS'  
ASSOCIATION, *et al.*,

Defendants.

**REQUEST FOR RESPONSE  
RE MOTION FOR  
APPOINTMENT OF INTERIM  
CLASS COUNSEL**


As a prior order stated, “it is reasonable to discount class members’ claims by the risk of litigation on the merits, but it is not reasonable to further discount claims by the risk that class certification will be denied (Dkt. No. 19 at 5 (citing Howard Erichson, *Beware the Settlement Class Action*, DAILY JOURNAL, Nov. 24, 2014)). Accordingly, the undersigned discourages settlement discussions before the class-certification stage. Nevertheless, plaintiffs seek to appoint interim class counsel to attend a settlement conference before the class-certification stage (Dkt. No. 49).

By **THURSDAY, MARCH 9 AT NOON**, plaintiffs shall make a preliminary showing that they are likely to succeed in certifying a class under Rule 23. Additionally, plaintiffs shall indicate whether any circumstances — besides the apparent wasting of defendants’ insurance policy — require the urgency of discussing a settlement before the class is certified. Plaintiffs shall please also clarify the significance of their position that certain individual defendants might also be members of the putative class with regard to any such urgency.

1 Please be aware that the undersigned does not use his middle initial, and, anyway, it is  
2 H, not A.

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4 **IT IS SO ORDERED.**

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6 Dated: March 1, 2017.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE